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Important Information
(Includes details about the availability of printed and electronic versions of the Statutes.)

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NEWFOUNDLAND AND LABRADOR
REGULATION 57/21

COVID-19 Vaccine Regulations
under the
Public Health Protection and Promotion Act
(O.C. 2021-264)

Amended by:
72/21

NEWFOUNDLAND AND LABRADOR
REGULATION 57/21

COVID-19 Vaccine Regulations
under the
Public Health Protection and Promotion Act
(O.C. 2021-264)

(Filed October 22, 2021)

Under the authority of section 59 of the *Public Health Protection and Promotion Act,* the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, October 22, 2021.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

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Schedule

Short title

1. These regulations may be cited as the *COVID-19 Vaccine Regulations* .

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Interpretation

2. (1) In these regulations

(a) "approved medical exemption" means an exemption granted in accordance with guidelines issued by the College of Physicians and Surgeons of Newfoundland and Labrador by

(i) a medical practitioner licensed under the *Medical Act, 2011,* or

(ii) a nurse practitioner licensed under the *Registered Nurses Act, 2008;*

(b) "approved verifier application" means the NLVaxVerify application approved by the government of the province;

(c) [Rep. by 72/21 s1]

(d) "fully vaccinated" means an individual has received

(i) the full series of a COVID-19 vaccine authorized by Health Canada or a combination of COVID-19 vaccines authorized by Health Canada at least 14 days before providing proof of vaccination,

(ii) the full series of a COVID-19 vaccine authorized by the World Health Organization at least 14 days before providing proof of vaccination, or

(iii) one or 2 doses of a COVID-19 vaccine not authorized by Health Canada or the World Health Organization followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada at least 14 days before providing proof of vaccination;

(e) "premises" means

(i) a building, structure or vehicle where employees of a business, facility or organization listed in the schedule perform their employment duties,

(ii) a building, structure or vehicle controlled by a business, facility or organization listed in the schedule where individuals who provide services to a business, facility or organization listed in the schedule provide those services, or

(iii) a building, structure or vehicle where self-employed individuals who provide services of a business, facility or organization listed in the schedule provide their services;

(f) "proof of approved medical exemption" means a document in a physical or electronic form that confirms that an individual has been granted an approved medical exemption and includes

(i) an electronic QR code as downloaded by individuals or saved to a mobile device,

(ii) a physical copy of the QR code referred to in subparagraph (i), and

(iii) a written confirmation in the form set by the minister from the medical practitioner or nurse practitioner who granted the approved medical exemption;

(g) "proof of identity" means

(i) for an individual under 19 years of age, one identification document issued by a government, a public body or an educational institution which includes the individual's name and date of birth, and

(ii) for an individual who is 19 years of age or older, either

(A) one photo identification document issued by a government, a public body or an educational institution which includes the individual's name and date of birth, or

(B) 2 identification documents issued by a government, a public body or an educational institution both of which include the individual's name and at least one of which includes the individual's date of birth;

(h) "proof of vaccination" means a document in a physical or electronic form that confirms that an individual is fully vaccinated and includes

(i) an electronic QR code as downloaded by individuals or saved to a mobile device,

(ii) a physical copy of the QR code referred to in subparagraph (i), and

(iii) a physical or electronic copy of a COVID-19 vaccination record; and

(i) "QR code" means a machine-readable code issued by the government of the province which contains the vaccination information of an individual and which may be read by the camera on a mobile device.

(2) For the purposes of paragraph (1)(e), “premises” includes the portion of a private dwelling where employment duties are performed or services are provided except where the performance of the employment duties or the provision of the services in that portion of the private dwelling do not involve another individual entering that portion of the private dwelling.

57/21 s2; 72/21 s1

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Vaccination requirement

3. (1) An individual who is employed by or who provides services to a business, facility or organization listed in the schedule shall not enter the premises unless the individual is fully vaccinated or has been granted an approved medical exemption.

(2) The owner or operator of a business, facility or organization listed in the schedule shall ensure that an individual who is employed by or who provides services to the business, facility or organization and who enters the premises is fully vaccinated or has been granted an approved medical exemption.

(3) A self-employed individual who provides the services of a business, facility or organization listed in the schedule shall not enter the premises in which the person provides the services unless the person is fully vaccinated or has been granted an approved medical exemption.

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Proof

4. (1) Where requested by an owner, operator or employee of a business, facility or organization listed in the schedule, an individual shall provide

(a) proof of vaccination or proof of approved medical exemption; and

(b) proof of identity.

(2) An owner, operator or employee of a business, facility or organization listed in the schedule who scans the QR code as proof of vaccination or proof of medical exemption shall only scan the QR code using the approved verifier application.

(3) An individual shall not provide proof of vaccination or proof of approved medical exemption that has been modified, altered, forged or fraudulently made.

(4) Where an individual agrees in writing, an owner, operator or employee of a business, facility or organization listed in the schedule may

(a) record that an individual has provided proof of vaccination or proof of approved medical exemption; and

(b) rely on that record as proof of vaccination or proof of approved medical exemption, as applicable, so that the individual is not required to provide proof of vaccination or proof of approved medical exemption when entering the premises of the business, facility or organization on more than one occasion.

(5) Where a record of proof of vaccination or proof of approved medical exemption referred to in subsection (4) is retained in accordance with subsection (4), the owner or operator of the business, facility or organization shall destroy the record on June 1, 2022 or earlier where either of the following apply:

(a) the individual requests that the record be destroyed; or

(b) these regulations are repealed.

(6) An owner, operator and employee of a business, facility or organization listed in the schedule shall only use or disclose proof of vaccination, proof of approved medical exemption and a record referred to in subsection (4) to verify compliance with these regulations and for any other purpose required by law.

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Sunset clause

5. These regulations shall cease to have effect on June 1, 2022.

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Commencement

6. These regulations come into force on December 17, 2021.

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Schedule

Private long-term care facilities

Personal care homes

Assisted living facilities

Community care homes

Home care providers

Organizations with a charitable purpose that provide food, shelter or other goods or services to persons in need

Private health care clinics

Private schools

Post-secondary institutions

Fire departments

Private and community ambulance service providers

Areas, parts, departments or divisions of businesses where members of a health profession that is regulated by an Act or regulation of the province, of another province or territory of Canada or of Canada provide services in their capacity as health professionals

Organizations that provide regulated child care services, including those that provide school-based activities and before and after school programs and activities

Organizations that provide therapeutic, supportive and residential services to children, youth and their families

Facilities that host gatherings for socializing, celebration, ceremony or entertainment

Arenas

Indoor gyms, fitness facilities, yoga studios and dance studios

Facilities where sports and recreational activities are practiced indoors

Facilities where group music, art, dance and drama activities are practiced indoors, including bands, choirs, dance and music classes

Indoor entertainment facilities

Businesses that hold a licence under the *Liquor Control Act* whose primary purpose is the consumption of beer, wine or spirits

Restaurants

Cinemas and performance spaces

Bingo halls

Personal services establishments

57/21 Sch.; 72/21 s2